

REMARKS

Applicants request favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Of claims 1-8 and 10-14 that were pending in the application, claims 1, 2, 8, and 14 were rejected in the Office Action. Applicants appreciate the allowance of claims 3-7 and the positive indication of allowable subject matter in claims 10-13. In response to this positive indication, claim 10 (*i.e.*, the claim from which claim 12 depends) and claim 11 (*i.e.*, the claim from which claim 13 depends) have been amended to be in independent claim format and, therefore, claims 10-13 should be in condition for allowance. In addition, Applicants have also amended claim 1 (*i.e.*, the claim from which claim 2 depends) to depend from claim 10. In addition, new claims 15 and 16 have been added to depend from allowable claim 11. Claims 1-8 and 10-16 are respectfully presented for further consideration.

1. Rejections of Claims 1 and 2

Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 5,464,246 (“Castro”) in view of U.S. Patent No. 5,125,472 (“Hara”) and over U.S. Patent No. 5,829,827 (“Schaper”) in view of Hara. Applicants respectfully submit that both of these rejections are now moot because claim 1 (*i.e.*, the claim from which claim 2 depends) has been amended to depend from allowable claim 10. Therefore, claims 1 and 2 are allowable for at least the same reasons as claim 10, without regard to the other patentable limitations recited therein. A withdrawal of the rejections of claims 1 and 2 is respectfully requested.

2. Rejections of Claims 8 and 14

Claim 8 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,126,194 (“Yaniv”). In addition, claim 14 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Yaniv in view of Hara. For the following reasons, Applicants respectfully traverse these rejections.

Claim 8 recites an apparatus for protecting a passenger seated in a vehicle seat having a seat cushion and a seat back. The apparatus includes, among other possible things (*italic and underline emphasis added*):

comprising an air belt connected to the seat cushion and the seat back and configured to inflate to form a sleeve wall *at a side of the seat cushion*, wherein a length of the air belt is configured to decrease when the air belt is inflated, wherein the air belt is configured to inflate when the vehicle is

detected to be involved in a side crash, and wherein the air belt is configured to pretension a seat belt when the air belt is inflated.

The rejections should be withdrawn because neither Yaniv nor Hara (nor any combination thereof) disclose, teach, or suggest the claimed apparatus.

Claim 8 recites that the air belt is “configured to inflate to form a sleeve wall *at a side of the seat cushion.*” In contrast, Yaniv teaches a shoulder belt 103 that has an inflatable portion 101 that, when inflated, forms a sleeve wall at the front of seat back, as shown in Figure 1c. Yaniv describes Figure 1c as a “front view” as opposed to the “side views” shown in Figures 1a and 1b. The inflatable portion 101 of the shoulder belt is clearly not at a side of the vehicle seat. *See* col. 6, lines 54-61. As shown in Figs. 1a-1c, it is clear that Yaniv actually teaches away from a sleeve wall on a side of the seat cushion. Yaniv disclose a D-ring 108 that prevents the seat belt from being positioned “at a side” as called for in claim 8. In sum, Yaniv’s inflatable belt does not “form a sleeve wall at a side of the seat cushion.”

Hara fails to disclose, teach, or suggest an air belt and, therefore, can not be used to cure the deficiencies of Yaniv with respect to claim 8. As a result, the combination of Yaniv and Hara can not be used to reject claim 8, or any claim dependent thereon, under 35 U.S.C. § 103(a). Moreover, as claim 14 depends from claim 8, claim 14 is also allowable over the combination of Yaniv and Hara, without regard to the other patentable limitations recited therein. For this reason alone, the rejections of claims 8 and 14 should be withdrawn. In addition, however, with respect to claim 14, Applicants note that although Hara teaches an upwardly tilting plate (*i.e.*, rotary plate 16) located under a seating surface of the cushion, the plate 16 is not configured to tilt upwards “when [an] air belt [connected to the seat cushion and the seat back] inflates,” as recited in claim 14. Accordingly, claim 14 is also allowable over the combination of Yaniv and Hara for at least this additional reason.

In light of all and at least the foregoing reasons, a withdrawal of the rejections of claims 8 and 14 is both warranted and earnestly solicited.

CONCLUSION

For the aforementioned reasons, claims 1-8 and 10-16 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HERewith, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HERewith, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.